

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EPPIE MONTOYA,

Plaintiff,

vs.

Case No. 14-CV-00517 LAM-RHS

DANNY PACHECO,
In his individual capacity,
and THE CITY OF ESPANOLA,
Defendants.

**DEFENDANTS' ANSWERS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION TO DEFENDANTS**

**I. INTERROGATORIES FOR DEFENDANT CITY OF ESPANOLA AND
DEFENDANT PACHECO**

INTERROGATORY NO. 1. What are the standard operating procedures of the Espanola Police Department in regards to the maintenance, record keeping, and deployment of tasers?

ANSWER: See the attached City of Espanola Police Department Directives, which document speaks for itself.

II. INTERROGATORIES FOR DEFENDANT CITY OF ESPANOLA

INTERROGATORY NO. 2. Please describe the procedures/policies do you have in place to train your officers in the use of force?

ANSWER: See City of Espanola Police Department Directives, attached as Defendants' answer to Interrogatory No. 1.



INTERROGATORY NO. 3. Identify any and all complaints, written or otherwise, has the city or any of its agencies received about Officer Pacheco in the past five years.

ANSWER: Objection. This Interrogatory requests information that is not relevant and not calculated to lead to admissible evidence at trial of this matter.

Without waiving this objection, Defendant is still researching this Interrogatory and will supplement its answer.

INTERROGATORY NO. 4. Identify any and all complaints, written or otherwise, the city or any of its agencies received about the Espanola Police Department in the past five years.

ANSWER: Objection. This Interrogatory is overly burdensome, irrelevant and not calculated to lead to admissible evidence at trial of this matter.

Without waiving this objection, Defendant is still researching this Interrogatory and will supplement its answer.

INTERROGATORY NO. 5. Identify the procedures you have in place to address complaints against the Espanola Police Department.

ANSWER: See City of Espanola Police Department Directives, attached as Defendants' answer to Interrogatory No. 1.

INTERROGATORY NO. 6. How many times has the Espanola Police Department been the defendant in a civil suit in the past five years?

ANSWER: Objection. Plaintiff's request is irrelevant and not calculated to lead to admissible evidence. Without waiving this objection, Defendant is still researching this Interrogatory and will supplement its answer, but knows it has been named as a defendant at least four times.

III. INTERROGATORIES FOR DEFENDANT PACHECO

INTERROGATORY NO. 2. What years did you attend the police academy, identify the law enforcement agencies you have previously worked for, and identify the law enforcement agencies you have applied to in the past?

ANSWER: See Officer Danny Pacheco's personnel file, attached hereto. Officer Pacheco is on emergency medical leave and will supplement his answer within 30 days of December 9, 2014.

INTERROGATORY NO. 3. Please identify and describe any written complaints that have been made against you as a law enforcement officer or in any other capacity.

ANSWER: Objection. Plaintiff's request is overly broad, irrelevant and not calculated to lead to admissible evidence. Without waiving this objection, Officer Pacheco is on emergency medical leave and will supplement his answer within 30 days of December 9, 2014.

INTERROGATORY NO. 4. Have you ever been the subject of a criminal investigation, convicted of a crime, and/or charged with a crime? If so, please explain each instance and provide any information you have concerning each instance, such as case number, when and where the investigation, crime, or alleged crime took place.

ANSWER: Objection. Plaintiff's request is overly broad, irrelevant and not calculated to lead to admissible evidence. Without waiving this objection, no. See Officer Pacheco's personnel file attached as his answer to Interrogatory No. 2. Officer Pacheco is on emergency medical leave and if warranted, will supplement his answer within 30 days of December 9, 2014.

INTERROGATORY NO. 5. Have you ever been subject to a civil lawsuit? If so, please explain each lawsuit and provide any other information you have concerning each lawsuit, such as case number, the date and court in which the suit was filed.

ANSWER: Objection. Plaintiff's request is overly broad, irrelevant and not calculated to lead to admissible evidence. Without waiving this objection, Officer Pacheco is on emergency medical leave and will supplement his answer within 30 days of December 9, 2014.

INTERROGATORY NO. 6. What type of stop were you assisting New Mexico State Police with on March 19, 2013, and please describe the nature of the stop and identify each law enforcement officer that was involved in the stop?

ANSWER: Objection. Plaintiff's request is irrelevant and not calculated to lead to admissible evidence. Without waiving this objection, Officer Pacheco is on emergency medical leave and if warranted, will supplement his answer within 30 days of December 9, 2014.

INTERROGATORY NO. 7. What type of recording devices do you have available while on duty on March 19, 2013, and please explain whether or not you activated any recording device while encountering Plaintiff?

ANSWER: Officer Pacheco is on emergency medical leave and will supplement his answer within 30 days of December 9, 2014.

INTERROGATORY NO. 8. Please describe how you came to Alsups (444 North Riverside Drive, Espanola, NM) on March 19, 2013, and how many people were present when you arrived?

ANSWER: See Uniform Incident Report No. 13-03-148, attached hereto. Officer Pacheco is on emergency medical leave and will, if warranted, supplement his answer within 30 days of December 9, 2014.

INTERROGATORY NO. 9. Please describe, in your best estimation, approximately how far away the Alsups is from the stop you were assisting the New Mexico State Police with?

ANSWER: See Uniform Incident Report No. 13-03-148, attached as Defendant's answer to Interrogatory No. 8. Officer Pacheco is on emergency medical leave and will, if warranted, supplement his answer within 30 days of December 9, 2014.

INTERROGATORY NO. 10. Please describe, in your best estimation, approximately how many calls for service you have been involved with at the Alsups location that the incident that gives rise to this action?

ANSWER: Objection. Plaintiff's request is irrelevant and not calculated to lead to admissible evidence. Without waiving this objection, Officer Pacheco is on emergency medical leave and will supplement his answer within 30 days of December 9, 2014.